

76 00521

# Rules of the Board of Supervisors County of Santa Clara California

115-08

County govt +  
Santa Clara co

INSTITUTE OF GOVERNMENTAL  
STUDIES LIBRARY

MAY 19 1975

UNIVERSITY OF CALIFORNIA

76 00521

INSTITUTE OF GOVERNMENTAL  
STUDIES LIBRARY

FEB - 9 2024

UNIVERSITY OF CALIFORNIA

## **CHAPTER I**

### ***General Provisions***

Section 1. These rules shall apply to the Board of Supervisors of the County of Santa Clara whether sitting as the Board of Supervisors of the County or as the governing board of any other government agency.

## **CHAPTER II**

### ***Board Meetings***

Section 2. The regular meetings of the Board of Supervisors shall be held on Tuesday and Wednesday of each and every week except that there shall be no meeting on the first Wednesday of each month. The meetings will commence at the hour of 9:30 o'clock a.m. thereof in the Chambers of the Board of Supervisors, Room 100, County Administration Building, 70 West Hedding Street, in the City of San Jose, or in another location in the building when notice of meeting has been duly posted in a conspicuous place. If any regular meeting day falls on a holiday, the regular meeting of the Board of Supervisors shall be held at the same place on the first succeeding day which is not a holiday, commencing at the same hour, in which event all hearings, applications, petitions, and other matters before the Board shall be deemed to be and are hereby automatically continued to the same hour of the next succeeding day which is not a holiday.

Section 3. The Board may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the Clerk of the Board may declare the meeting adjourned to a stated time and place in the manner provided by State law. (Section



54955 of the Government Code, see Appendix A) When a regular or adjourned meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. Any hearing being held or noticed or ordered to be held at any such meeting may be continued or recontinued to any subsequent meeting of the Board in the manner provided by State law. (Section 54955.1, Government Code)

Section 4. Special meetings of the Board of Supervisors may be called in the manner provided by State law. (Section 54956 of the Government Code, see Appendix A)

Section 5. Each member shall be in his respective seat at the hour set for each such regular meeting and at the time set for any adjourned or special meeting. Any member not present shall be designated in the minutes as absent or as entering late.

### **CHAPTER III**

#### ***Election, Powers, and Duties of Chairman and Chairman Pro Tem***

Section 6. At the first Board meeting in January, the Board shall elect a Chairman to serve until the election of his successor.

Section 7. The Chairman, when present, shall preside at all meetings of the Board and shall take the chair at the hour appointed for every Board meeting and shall immediately call the members to order and, except in the absence of a quorum, shall proceed with the business of the Board in the manner prescribed by these rules. A majority of the members shall constitute a quorum for the transaction of business.

Section 8. In the absence of, or inability to act of, the Chairman, the members of the Board present shall

by an order entered on the minutes select one of their members to act as Chairman Pro Tem. The Chairman Pro Tem shall have all of the powers and duties of the Chairman during the absence of, or inability to act of the Chairman.

## **CHAPTER IV**

### ***Order and Decorum of Board Meetings***

Section 9. The Chairman shall possess the powers and perform the duties prescribed, as follows:

(a) Have general direction over the Board Room and assign seats for the use of the members,

(b) Preserve order and decorum; prevent demonstrations; order removed from the Board Room any person whose conduct he deems objectionable, and order the Board Room cleared whenever he shall deem it necessary;

(c) Assure that attendance of the public at meetings in the Board Room shall be limited to that number which can be accommodated by the seating facilities regularly maintained therein. No standees shall be permitted.

(d) Recess the meeting if deemed necessary due to disturbance.

Section 10. The Chairman shall order removed from the Board Room any person who commits the following acts in respect to a regular or special meeting of the Board of Supervisors:

(a) Disorderly, contemptuous or insolent behavior toward the Board or any member thereof, tending to interrupt the due and orderly course of said meeting;

(b) A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;

(c) Disobedience of any lawful order of the Chairman, which shall include an order to be seated or to refrain from addressing the Board;

(d) Any other unlawful interference with the due and orderly course of said meeting.

Section 11. In accordance with Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members may order the Chambers cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the Press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section.

Any person so removed shall be excluded from further attendance at the meeting from which he has been removed, unless permission to attend be granted upon motion adopted by a majority vote of the Board, and such exclusion shall be effected by the Sergeant-at-Arms upon being so directed by the Chairman.

Section 12. The Sergeant-at-Arms, who shall be a Deputy Sheriff, in attendance at the meeting when his services are commanded by the Chairman, shall carry out all orders and instructions given by the Chairman for the purpose of maintaining order and decorum at the meeting.

Section 13. Except with prior authorization of the Chairman, no placards, signs or posters or packages, bundles, suitcases or other large objects shall be brought into the Board Room.

Section 14. Unless addressing the Board or entering or leaving the Board Room, all persons in the audience shall remain sitting in the seats provided. No per-



son shall stand or sit in the aisles or along the walls nor shall the doorways be blocked.

Section 15. All demonstrations, including cheering, yelling, whistling, hand clapping and foot stamping are prohibited.

Section 16. Except with prior authorization of the Chairman, the distribution of literature, of whatever nature or kind, is prohibited.

Section 17. Persons desiring to address the Board on any matter not listed on the agenda shall make arrangements to be on the calendar in advance with the Chairman of the Board through the office of the Clerk of the Board. Matters not listed on the agenda and approved by the Chairman or Clerk of the Board for discussion must be accompanied by a written statement outlining subject content to be discussed.

Section 18. No person shall address the Board until he or she has first been recognized by the Chairman. The decision of the chair to recognize or not recognize a person may be changed by order of the Board. All persons addressing the Board shall give their names and addresses for the purposes of the record. The Chairman may, in the interest of facilitating the business of the Board, limit the amount of time which a citizen or group may use in addressing the Board.

## **CHAPTER V**

### ***Rights and Duties of Members***

Section 19. When any member is about to speak, he shall address the Chair; and when two or more members address the Chair at the same time, the Chairman shall name the member who is first to speak; and the speaker shall confine his remarks to the question under debate and shall avoid personalities.

Section 20. Each motion made by any member of

the Board shall require a second. Motions and seconds may be made by any member of the Board, including the Chairman.

Section 21. The roll need not be called in voting upon a motion except where specifically required by law or requested by a member. The roll shall be called for the adoption of an ordinance or resolution. If the roll is not called, in the absence of objection, the Chairman may order the item unanimously approved. When the roll is called on any motion, any member present who does not vote in an audible voice shall be recorded as "Aye". The Chairman shall indicate any member who abstains from voting or who votes "Noe". A vote of abstention shall not be counted as either an "Aye" or "Noe" vote. No act of the Board of Supervisors shall be valid unless three members concur.

Section 22. Each roll call of the Board shall be by supervisorial seniority except that the Chairman shall be called last.

Section 23. No member shall absent himself from any regular or special meeting (except on account of illness or an emergency) without the consent of the Board. If any member is to be unable to attend a meeting, he shall notify the Clerk of the Board at least a week prior to the meeting and advise him of the reasons therefor.

Section 24. No member shall absent himself from the state, except on business for the state or county, for more than 30 days without the consent of the Board. No member shall absent himself from the state for more than 2 months without the consent of the Board with the written approval of the Governor and no such absence shall continue for more than 6 months in any one year.

Section 25. No member shall leave his seat at the Board table during any session of the Board without



having first obtained permission from the Chairman so to do.

## **CHAPTER VI**

### ***Duties of the Clerk of the Board***

Section 26. The Clerk of the Board, or one of his deputies, shall attend each meeting of the Board and maintain a record of all proceedings thereof as required by law.

Section 27. The Clerk of the Board shall each week prepare the agenda for the following Tuesday and Wednesday meeting for delivery to each Board office on Friday morning. The agenda shall list the items for Board consideration by number with a brief statement of the subject matter of each of the items. The agenda may include suggested actions.

Section 28. The Clerk of the Board may place items on the agenda which have been addressed to the Board and deemed to be of a routine nature. Other items may be placed on the agenda at the request of either a Board member or the County Executive and may not be removed without prior permission of the submitter.

Section 29. The Clerk of the Board may withhold placement of any matter on the agenda that he deems inappropriate for scheduling purposes, lack of sufficient information, or in need of staff review and report prior to Board consideration. Any member of the Board of Supervisors may direct that any such withheld matter be placed on the agenda.

Section 30. The Clerk of the Board shall tape record all regular and special meetings of the Board. Persons desiring to audibly review these records may make arrangements in the Office of the Clerk of the Board.

Section 31. After each regular and special meeting of the Board, the Clerk of the Board will prepare a brief summary of proceedings as required under Section 25150 of the Government Code and cause its publication in a newspaper certified to be of general circulation within the County of Santa Clara.

Section 32. Clerk of the Board is authorized to schedule hearings on certain matters without prior presentation to the Board and to give such notice, publication, and posting as may be required by law; i.e.,

- Zone Reclassification & Appeals
- Variance Appeals
- Use Permit Appeals
- Cluster Permit Appeals
- Special Permits
- Cemetery Permits
- General Assistance Appeals
- Tax Roll Changes
- Land Development Appeals
- Architectural and Site Approval Appeals
- House Moving Appeals
- Abandoned Vehicle Protest
- Setting of Official Plan Lines
- Subdivision Directional Sign Appeals
- Construction Code Appeals
- Dance Permits
- Card Room Permits
- Massage Parlor Permits
- Carnival & Circus Permits
- Cemetery Permits

## **CHAPTER VII**

### ***Miscellaneous Provisions***

Section 33. The proceedings of the Board shall be governed by the provisions of law applicable thereto and, except as herein otherwise provided, by Robert's

Rules of Order, newly revised. Provided, further, that the failure to follow the Rules of Order or these rules shall not invalidate any action taken. The County Counsel shall act as parliamentarian and, on request of the Chairman, shall give parliamentary advice.

Section 34. The County Executive and the County Counsel, or a representative designated by each such officer, shall attend all regular and special meetings of the Board.

Section 35. Each county or district officer having any matter on the agenda for consideration by the Board shall either be present at the Board meeting or shall hold himself in readiness for the purpose of furnishing information to the Board. Each county or district officer may designate a deputy to perform this duty.

Section 36. Except as otherwise provided by law, these rules or any one thereof may be suspended by order of the Board when regularly entered in its minutes.

## **APPENDIX A**

### ***Section 54955, Government Code***

**ADJOURNMENT OF MEETINGS.** The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be



conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state it shall be held at the hour specified for regular meetings by ordinance, resolution, by-law, or other rule.

### ***Section 54955.1, Government Code***

*CONTINUANCE OF HEARING TO SUBSEQUENT MEETING.* Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order of notice of continuance be continued or recontinued to any subsequent meeting of the legislative body in the same manner and to the same extent set forth in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration or continuance was adopted or made.

### ***Section 54956, Government Code***

*SPECIAL MEETINGS: CALLING: NOTICE:* A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering personally or by mail written notice to each member of the legislative body and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. The

call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the legislative body. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.





U.C. BERKELEY LIBRARIES



C124882734

INSTITUTE OF GOVERNMENTS  
STUDIES LIBRARY

FEB - 9 2024

UNIVERSITY OF CALIFORNIA

